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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,585	08/24/2001	Haruo Shindo	213217US2X	3622

22850 7590 03/13/2003

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EXAMINER

PATEL, PARESH H

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,585

Applicant(s)

SHINDO ET AL.

Examiner

Paresh Patel

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Election/Restrictions***

Applicant's election with traverse of Species 2 of fig. 4 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that claims of the present invention would appear to be part of an overlapping search area and examination of the entire application would not place a serious burden on the Examiner. This is not found persuasive because the recited limitation of method claim 1 such as a pulse voltage having a **sufficient shorter period than a thermal time constant** of the heating probe and **the number of plasma vibrations of emitted thermions is set to be sufficiently higher than frequency of the high frequency power** is not claimed in apparatus claims 4 and 7. Similarly the limitations (**e.g. A/D converter, optical signal** etc.) of claim 7 are not required for claims 4 or 1. And function of calculating section of claim 4 is different from claim 7; hence those limitations are burden to the Examiner for search.

The requirement is still deemed proper and is therefore made FINAL.

This application contains claims 1-3 and 7-9 drawn to an invention nonelected with traverse in Paper No. 8. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 5-6 will be examined here because they do not introduce serious burden.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Shindo Haruo (JP 64-061000).

Regarding claim 4, Shindo Haruo (hereinafter Haruo) discloses: a measuring apparatus [fig. 1] for measuring an electron energy distribution in a plasma region generated by a high frequency power, comprising:

a heating probe [2] having a probe portion, which is inserted, in the plasma region [inside region of 1] to be heated by application of a pulse voltage;

a pulse power supply [3, 4, 5], which applies heating, pulses to the heating probe to heat the probe portion to a state that the probe portion can emit thermions;

a detecting section [6, 7, 8] which detects difference in floating voltage between a voltage period (H level) and a no-voltage period (L level) of the pulse voltage; and

a calculating section [6, 7, 8] which obtains an electron energy distribution in the plasma region on the basis of the detected value detected by the detecting section.

Regarding claim 5, Haruo discloses: a measuring apparatus according to claim 4, wherein the measuring apparatus is equipped in a processing apparatus [inherent to 1] for performing one of a film forming processing, an etching processing and an annealing processing, and

the probe portion is mounted in a chamber [1] of the processing apparatus where the plasma region is generated, in an electrically insulated state [see Abstract], and the heating probe is in a potentially floating state [see Abstract].


Regarding claim 6, Haruo discloses: a measuring apparatus according to claim 5, wherein the chamber is made of insulating material [see Abstract].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paresh Patel whose telephone number is 703-306-5859. The examiner can normally be reached on M-F (8:30 to 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 703-308-1233. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


KAMAND CUNEO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Paresh Patel
March 4, 2003